

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

ALLEN R. BLAIR

PLAINTIFF

V.

CIVIL ACTION NO. 1:15-cv-00400-HSO-JCG

**YUM BRANDS
TACO BELL**

DEFENDANTS

DEFENDANTS' MOTION TO DISMISS

COME NOW, Defendants YUM! Brands, Inc. ("YUM"), incorrectly identified as YUM Brands, and Taco Bell of America, LLC ("Taco Bell"), incorrectly identified as Taco Bell (collectively "Defendants"), by and through their counsel of record, and submit this Motion to Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, seeking dismissal of Plaintiff's Complaint with prejudice for failing to state a claim upon which relief may be granted, and in support thereof, Defendants would show unto the Court the following:

1. Plaintiff Allen R. Blair ("Plaintiff" or "Blair") alleges he was employed at a Taco Bell restaurant located in Gulfport, Mississippi until his termination on December 6, 2015.
2. In response to his termination, Plaintiff filed suit against Defendants. Proceeding *pro se*, Plaintiff does not specifically allege any cause of action¹ in his Complaint [1]².
3. As more fully articulated in Defendants' memorandum submitted separately to the Court, Plaintiff's Complaint fails to state a plausible claim for relief against Defendants and the Court should dismiss the causes of action asserted against them with prejudice.
4. Alternatively, Defendants request the Court order Plaintiff to provide a more definite statement of circumstances and events supporting his asserted claims pursuant to Federal

¹ Though not alleged in his Complaint, Plaintiff states on the Civil Cover Sheet attached as an exhibit thereto that he brings this action under the Thirteenth Amendment and describes his cause of action as "forced to adhere to ones benefit." [1-1]

² Plaintiff has filed a document [4] purporting to amend his original Complaint only to the extent that he moves the Court to correct an address contained therein. However, this document does not contain any new or different factual allegations or causes of action beyond the original Complaint [1].

Rule of Civil Procedure 12(e) as the insufficiency of Plaintiff's Complaint makes it unreasonable for Defendants to prepare a response because they cannot discern the nature of the alleged claims.

WHEREFORE, THESE PREMISES CONSIDERED, Defendants respectfully request that the Court dismiss Plaintiff's claims against them with prejudice, or in the alternative, order Plaintiff to submit a more definite statement, and grant them all other just and proper relief.

This the 17th day of February, 2016.

Respectfully submitted,

YUM! BRANDS, INC. AND
TACO BELL OF AMERICA, LLC
DEFENDANTS

BY: /s/ Robin Banck Taylor
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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I, the undersigned counsel, certify that I electronically filed the foregoing with the Clerk of the Court using the ECF system and served a true and correct copy of said document via U.S. Certified Mail, return receipt requested, to the following:

Allen R. Blair
623 Georgia Street
Gulfport, Mississippi 39501
(228) 313-4324

PRO SE PLAINTIFF

This, the 17th day of February, 2016.

/s/ Robin Banck Taylor
Robin Banck Taylor

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